

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 10-00351
	*	
VS.	*	JUDGE DRELL
	*	
THOMAS STEVEN SANDERS	*	MAGISTRATE JUDGE KIRK

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

NOW INTO COURT, through undersigned counsel, comes the United States of America, and pursuant to the requirements of 18 U.S.C. §3593(a), gives notice that it believes that the circumstances of this case are such that, in the event that the defendant is convicted of either capital offense relating to the death of Lexis Roberts, a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Count One of the Superseding Indictment which charges kidnaping resulting in death, in violation of 18 U.S.C. §1201(a)(1), and Count Two of the Superseding Indictment which charges carrying and using a firearm in relation to a crime of violence, and murdering and causing the death of Lexis Roberts through the use of a firearm, in violation of 18 U.S.C. §§924(c)(1)(A) and (j)(1).

Pursuant to 18 U.S.C. §3591(a)(2), the United States will rely on the following preliminary factors to establish the defendant's eligibility for the death penalty:

1. The defendant intentionally killed Lexis Roberts. 18 U.S.C. §3591(a)(2)(A).

2. The defendant intentionally inflicted serious bodily injury that resulted in the death of Lexis Roberts. 18 U.S.C. §3591(a)(2)(B).

3. The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Lexis Roberts died as a direct result of the act. 18 U.S.C. §3591(a)(2)(C).

4. The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Lexis Roberts died as a direct result of the act. 18 U.S.C. §3591(a)(2)(D).

Pursuant to 18 U.S.C. §3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. **Death during commission of another crime.** Lexis Robert's death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under 18 U.S.C. §1201 (kidnaping). 18 U.S.C. §3592(c)(1).

2. **Substantial planning and premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of Lexis Roberts. 18 U.S.C. §3592(c)(9).

3. **Vulnerability of victim.** Lexis Roberts was particularly vulnerable due to her youth or infirmity. 18 U.S.C. §3592(c)(11).

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. §3592(c) and 3593(a)(2).

Victim Impact Evidence: The offense caused loss, injury and harm because of Lexis Robert's personal characteristics as an individual human being and the impact of her death upon her family.

Future Dangerousness of the Defendant. The defendant represents a continuing danger to the lives and safety of other persons. The defendant is likely to commit acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, a continuing pattern of violence. Immediately prior to the offense charged in Counts One and Two of the Superseding Indictment, the defendant intentionally killed Suellen Roberts, mother of Lexis Roberts. In addition, the defendant engaged in a continuing pattern of violence, attempted violence, and threatened violence, against his former wife and stepson.

The United States further gives notice that in support of imposition of the death penalty on Count One and Count Two of the Superseding Indictment, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Superseding Indictment as they relate to the background and

character of the defendant, his moral culpability, and the nature and circumstances of the offenses charged in the Superseding Indictment.

Respectfully submitted,

/s/ Stephanie A. Finley

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CERTIFICATE OF SERVICE

I certify that on August 1, 2012, a copy of the foregoing *Notice of Intent to Seek the Death Penalty* was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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/s/ William J. Flanagan (5603)
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